

### **REMARKS**

Claims 1-18, 29-32, and 38-48 are pending in the application.  
Claims 1-18, 29-32, and 38-48 have been rejected.  
The specification has been amended, as indicated above, to correct minor informalities.  
Claims 1, 32, 39, 43, and 44 have been amended.  
Claims 2 and 38 have been cancelled without prejudice.  
No new matter has been added.  
Reconsideration of the Claims is respectfully requested.

#### **1. Rejection under 35 U.S.C. § 102(e)**

Claims 29 and 30 were rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,389,007 to Shenkman et al. ("Shenkman").

For establishing anticipation, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. . . . The identical invention must be shown in as complete detail as is contained in the . . . claim." MPEP 2131 at p. 2100-73 (Rev. 3, August 2005) (citations omitted).

Shenkman relates to an "integrated router" for a call center that includes a central switching apparatus 27, and an IPNT router 29. (See Shenkman Col. 6:1-7; Claim 3). The integrated router has "control routines adapted for monitoring and controlling both the telephony switch and the [data network telephony] processor." (Shenkman Col. 4:37, 45-47). The integrated router "controls the telephony switch and data network telephony processor to route calls to available agent stations under a single set of rules." (Shenkman Col. 4:49-51).

Applicant's Claim 29 does not call out a call center as Shenkman does, but instead recites, *inter alia*, a "network spanning heterogeneous call center controller comprising: . . . a switching element responsive to the public switched telephone network input; an internet protocol interface responsive to the internet connection input; a telephony resource module connectable to the switching element; a processor, the processor coupled to a data bus, the data bus coupled to the internet protocol interface and the switching element; a first set of agent output channels responsive to the switching element, the first set of agent output channels directed to communicate with circuit switched agent terminals; and a second set of agent output

channels responsive to the internet protocol interface, the second set of agent output channels directed to communicate with internet enabled agent terminals.”

Accordingly, Applicant respectfully submits that each and every element as set forth in Applicant’s claimed invention of Claim 29 and Claim 30 that depends therefrom, is not found in Shenkman. Applicant respectfully requests that the rejection to Independent Claim 29 and dependent Claim 30 be withdrawn.

## **2. Rejection under 35 U.S.C. § 103(a)**

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure. MPEP § 2142, p. 2100-134 (Rev. 3, August 2005) (citations omitted).

(a) Claims 31, 32, and 38-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shenkman.

Claim 31 depends from Claim 29. In that each and every element of Claim 29 and Claim 30 that depends therefrom, is not found in Shenkman. Accordingly, Applicant respectfully submits that a *prima facie* case of obviousness has not been established in that Shenkman does not teach or suggest all the Claim limitations for Claim 31.

Applicant also respectfully submits that the suggestions or teaching to make Applicant’s claimed invention of Claim 31 and expectation of success were not found in Shenkman, but instead based upon Applicant’s disclosure.

In its rejection of Claim 31, the Office Action relied on Figure 2 of Shenkman, which recites that “a COST-to-IPNT gateway 71 is provided and adapted to convert [Connection-Oriented, Switched Telephony] calls to IPNT calls.” (Shenkman Col. 7:24-25). In a unidirectional manner, all COST calls are converted to IPNT calls, which are “are routed via data connection 73 to an IPNT switch 75.” (Shenkman Col. 7:27-28). Shenkman first notes,

however, that a “disadvantage of this system [of Figure 2] is that there is no provision to make outbound calls to the PSTN 13.” Shenkman further notes that a dual-gateway, one to allow IPNT-to-COST calls, “Under heavy call-load situations, a dual gateway such as would be the case with gateway 71 may become congested and cause delay.” (Shenkman Col. 7:40-42). In other words, Shenkman teaches away from the use of such conversion devices in a call center environment. MPEP § 2144.05, p. 2100-149 (Rev. 3, August 2005).

In this regard, Applicant respectfully submits that there has not been a *prima facie* showing that substantiates the rejection of Applicant’s claimed invention of Claim 31.

With respect to Claims 32, and 38-47, the Office Action cited Shenkman as a basis for rejecting these claims. But Shenkman recites an integrated router 83 that is “capable of routing both COST and IPNT calls.” (Shenkman Col. 7:63-64). The integrated router 83 “controls central switch 27 . . . and therefore routing of COST calls, but also controls [router] 29 and the routing of IPNT calls.” (Shenkman Col. 8:15-20).

In contrast, Applicant’s Claim 32 as amended recites, *inter alia*, a “network spanning heterogeneous call center comprising: a circuit-switched private branch exchange; a packet-switched private branch exchange; a network spanning heterogeneous call center controller; . . . wherein the network spanning heterogeneous call center controller sends circuit-switched instruction messages to the circuit-switched private branch exchange and the network spanning heterogeneous call center controller sends packet-switched instruction messages to the packet-switched private branch exchange; a network, the network responsive to the circuit-switched private branch exchange, to the packet-switched private branch exchange, and to the network spanning heterogeneous call center controller, the network having a plurality of output communication channels for connection to a plurality of agent terminals; a voice channel between the circuit-switched private branch exchange and the network; a control channel between the network spanning heterogeneous call center controller and the network; and a voice and data channel between the packet-switched private branch exchange and the network.”

That is, instruction message, or function, is based upon the destination – a circuit-switched private branch exchange or a packet-switched private branched exchange. In contrast, Shenkman simply provides a routing device between a PSTN switch 27 and an IP router 29.

Accordingly, Applicant respectfully submits that there has not been a *prima facie* showing that substantiates the rejection of Applicant's claimed invention. There is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the integrated router of Shenkman to achieve Applicant's claimed invention as set out in Independent Claim 32 and Claims 39-48 that depend therefrom.

(b) Claims 1-18 and 48 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shenkman in view of US Patent No. 6,115,462 to Servi et al. ("Servi").

Servi relates to "modifying probabilistic routing parameters to more efficiently route telephone calls to call centers." (Servi Col. 1:6-8). Noting that the integrated router of Shenkman lacks reference to a network manager interface. Though Servi does not refer to a network manager interface, the Office Action cited Servi as teaching one by relying on the figures that graphically illustrate varying call loading scenarios on a PSTN-based call center.

Shenkman recites an integrated router 83 that is "capable of routing both COST and IPNT calls." (Shenkman Col. 7:63-64). The integrated router 83 "controls central switch 27 . . . and therefore routing of COST calls, but also controls [router] 29 and the routing of IPNT calls." (Shenkman Col. 8:15-20).

In contrast, Applicant's Claim 1 as amended recites a "network spanning heterogeneous call center controller for use with a circuit-switched private branch exchange and a packet-switched private branch exchange, the network spanning heterogeneous call center controller comprising: a circuit-switched private branch exchange interface to communicate with the circuit-switched private branch exchange; a packet-switched private branch exchange interface to communicate with the packet-switched private branch exchange; a processor communicatively coupled to the circuit-switched private branch exchange interface and to the packet-switched private branch exchange interface, wherein the circuit-switched private branch exchange

interface sends circuit-switched instruction messages to the circuit-switched private branch exchange and wherein the packet-switched private branch exchange sends packet-switched instruction messages to the packet-switched private branch exchange; and a network manager interface communicatively coupled to and responsive to the processor.”

That is, the instruction message, or function, is based upon the destination – a circuit-switched private branch exchange or a packet-switched private branched exchange. In contrast, Shenkman simply provides a routing device between a PSTN switch 27 and an IP router 29. Also, the PSTN probabilistic routing parameter modification device of Servi does not provide a “network manager interface communicatively coupled and responsive to the processor.”

Accordingly, Applicant respectfully submits that there has not been a *prima facie* showing that substantiates the rejection of Applicant’s claimed invention. There is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the integrated router of Shenkman and the PSTN probabilistic routing parameter modification device of Servi to achieve Applicant’s claimed invention as set out in Independent Claim 1 and Claims 3-18. In that Claim 32 has been amended, Applicant respectfully submits that Claim 48 is allowable.

### **3. Conclusion**

As a result of the foregoing, the Applicant respectfully submits that Claims 1, 3-18, 29-32, and 39-48 in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *ksmith@texaspatents.com*.

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The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Garlick Harrison & Markison Deposit Account No. 50-2126.

Respectfully submitted,

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